

REMARKS

Upon entry of the amendment the pending claims will be 1-13 and 18-46. No new matter is presented by the above amendments.

Applicants note with appreciation that the Examiner has indicated that Claims 12, 13, 18-32, 34-39 and 41-46 are allowable.

In the amendments submitted herewith, Applicants have highlighted the amended portion of the claim or specification so that the Examiner can more easily locate the specific amendment.

Amendments to the Claims

Claim 1 has been amended to separately recite glycine as an amino acid residue at positions A₄, A₅, A₆ and A₇. An additional amendment to A₄ is made to remove duplicate recitation of residues. Applicant thanks the Examiner for pointing out the oversight with respect to glycine. Support for the amendment is found in the claim as filed.

Claim 1 has also been amended to correct minor errors in the naming of substituents. Support for the amendments generally can be found in pages 14-17 (Table 1). Specific support for the amendment to A₄ newly numbered subpart (15) can be found in Example 40, for newly numbered subpart (17) in Example 36 and for new subpart (18) in Example 30. Support for the amendment to A₆ subpart (11) can be found in Example 44. Support for the amendment to A₈ subpart (3) can be found in Example 198. Support for the amendment to A₉ subpart (4) can be found in Example 80.

With respect to the amendments to Claim 12, it is first noted that the compound number (to the left of the compound name) in Claim 12 does not necessarily correspond to the Example number in the specification. Therefore, support for the amendment to the compound of Claim 12 will also identify the Example number that corresponds to the compound number.

Claim 12 has been amended to cancel five compounds; three of which are outside the scope of the present invention due to the requirement for restriction made earlier (A₀ ≠ hydrogen, found in compounds 2, 59 and 520) and two of which are duplicates of earlier compounds (compounds 380 and 381).

Claim 12 has been further amended to correct a typographical error creating a pentavalent carbon, i.e., -NHCH₂(CH₃)₂. The compounds of Claim 12 that have been amended are listed below; support for the amendment can be found in the Example number shown in parenthesis:

4(4), 158 (171), 161(176), 205(208), 207(210), 209(212), 215(218),
226(229), 232(230), 238(231), 244(232), 250(233), 256(234), 258(236),
282(249), 301(262), 308(263), 315(264), 393(323), 404(323), 409(325),

426(328), 430(328), 437(330), 441(330), 447(332), 458(334), 468(336)
and 475(337).

Claim 12 has also been amended to conform the compound name (as found in Claim 12) to the name of the compound actually synthesized in the Example:

- delete piperidine at residue A₁₀ and insert (1-piperidine) in compound 6, support for which is found in Example 6;
- delete ethoxy at residue A₁₀ and insert ethyl in compound 526, support for which is found in Example 155;
- delete isopropyl at residue A₁₀ and insert propyl in compounds 331, 332 and 338, support for which is found in Examples 275, 276 and 282, respectively;
- delete isopropyl at residue A₁₀ and insert ethyl in compounds 202, 203, 262, 372-379, 382 and 383, support for which is found in Examples 205, 206, 240, 310-313 and 315;
- delete ethyl at residue A₁₀ in compound 527, support for which is found in Example 318;
- insert -CH₂O- at residue A₁₀ in compound 442, support for which is found in Example 331.

In a similar manner, Claim 13 has been amended to cancel duplicate compounds 56 and 57 and to delete isopropyl at residue A₁₀ and insert ethyl in compounds 48-55 and 58-59. Support for the amendment can be found in Examples 275, 276 and 282, respectively.

Amendments to the Specification

The specification has been amended to:

- correct typographical errors (pentavalent carbon) in Examples 4, 171-173, 176, 208, 210, 212, 218, 229-234, 236, 249, 262-264, 323, 325, 328, 330, 332, 334, 336 and 337;
- conform the named compound to the compound actually synthesized in Examples 205, 206, 240, 275, 276, 282, 310-313, 315 and 331;
- provide the correct name of a starting material when referencing an earlier example in Examples 230, 231 and 264;
- delete duplicate Example 314.

Double Patenting Rejections

Claim 1 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claim 1 of copending U.S. Serial Number 09/833,196, U.S. Serial Number 09/718,951 (sic - correct number is 09/718,591) and U.S. Serial Number 09/703,233. As none of the above applications have issued as a U.S. Patent, Applicants request

that the double patenting rejection be held in abeyance until the issuance of the instant application.

Rejections Under 35 USC 112

Claims 14 and 16 stand rejected under 35 USC 112, first paragraph.

While not agreeing in any way with the legal basis of Examiner's conclusion, in order to expedite prosecution of the present application, Applicants have canceled Claims 14 and 16. Applicant reserves the right to continue prosecution of the subject matter of Claims 14 and 16 in a continuing application.

Claims 1-11, 14, 16, 33 and 40 stand rejected under 35 USC 112, second paragraph, for recitation of the D- and L- isomers of glycine (a non-chiral molecule). Applicants have amended Claim 1, and by inclusion, dependent Claims 2-11, 33 and 40, at positions A₄, A₅, A₆ and A₇ to recite a glycine residue (without designation of chirality). Claims 14 and 16 have been cancelled.

Conclusion

The present amendments place the application and Claims 1-13 and 18-46 in condition for allowance. Notification to that effect is earnestly solicited.



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